



Affiliated Tribes of Northwest Indians

2007 Winter Conference Portland, Oregon

RESOLUTION #07 - 23

"NATIVE AMERICAN TRADE PROTECTION ACT"

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

WHEREAS, from time immemorial indigenous nations have freely traded with each other and engaged in many other forms of commerce that has supported the development of sustainable indigenous economies, the development of arts and other cultural activities and many forms of intellectual and social pursuits, all without interference or restriction from external jurisdictions or governments; and

WHEREAS, indigenous nations negotiated for the right to continue such trade and commerce in various treaties with European colonial powers and with their successor

governments such as the United States with such treaty partners agreeing to protect such trade rights from interference by other governments, including recognizing such Indian nation rights in the U.S. Constitution, treaty and commerce clauses and in the federal Indian trade and non-intercourse acts; and

WHEREAS, as we enter into the end of the first decade of the 21st Century, Indian tribal nation-to-nation trade has been burdened and restricted by state tax and regulatory laws that have even been accorded recognition by United States courts who have sought to make distinctions between trade and commercial transactions between tribal enterprises and tribal members in contrast to transactions with non-members with the latter being subject to state laws and jurisdictions notwithstanding that such a distinction was not recognized in the United States Constitution; and

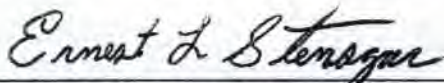
WHEREAS, United States tribal nations have created a wide range of enterprises that engage in import and export transactions with other tribal enterprises and with markets on and off their lands, and many tribal enterprises are now in a position due to success in gaming and development of other markets, to share their success through investment in the development of economies of other tribes who have not been in a position to take advantage of such gaming opportunities, but who possess many undeveloped resources, including fisheries, agriculture, energy, industrial production and a labor force of tribal members; and

WHEREAS, such intertribal and international indigenous nation to nation trade being a means to develop a broad based self-sufficient economy throughout Indian Country and the indigenous world if the United States and other post-colonial powers were to honor their historic commitments to protect indigenous trade from jurisdictional restrictions and burdens by states and other local jurisdictions; now

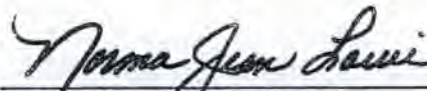
THEREFORE BE IT RESOLVED, that ATNI hereby supports the principle of free trade between indigenous nations and the right of United States tribal nations to freely engage in trade with other tribal nations and their enterprises without the burden of state and local government taxation or regulatory restrictions, provided that the right of indigenous nations to impose their own taxation authorities should not be restricted, and further resolves that member tribes of the ATNI should be urged to request that their congressional delegations support federal legislation that will honor historic commitments by the United States to the tribal nations.

CERTIFICATION

The foregoing resolution was adopted at the 2007 Winter Conference of the Affiliated Tribes of Northwest Indians, held at the Holiday Inn Airport Hotel in Portland, Oregon on February 15, 2007, with a quorum present.



Ernest L. Stensgar, President



Norma Jean Louie, Secretary

Attachment to Resolution #07-23

Native American Trade Protection Act

A proposal for consideration by US tribal organizations
Tribal Leaders Forum, January 9, 2007, San Diego, California

Purpose: Provide an economic incentive for Native American Tribal Enterprises (including Alaska Native Corporation's and Native Hawaiian owned enterprises) to produce products for trade and commerce with other Native American Tribal Enterprises free of barriers and restricted created by multiple jurisdictions.

Background: Interstate and intrastate barriers and restriction to intertribal trade and commerce hinder and unduly constrain the ability of Native Americans to engage in mutually beneficial economic relations within Indian Country, including Alaska Native and Native Hawaiian communities. These barriers usually take the form of State taxes and/or regulations typically created primarily to regulate the sale of products to non-natives.

Proposal: When a Tribe, Alaska Native Corporation or Native Hawaiian community produces products for sale exclusively to other Native American owned enterprises, such taxes and restrictive barriers should be preempted by federal law on the basis that they conflict with long established federal policy and principles of inherent tribal self-rule within Indian Country.

Products that should be afforded this protection range from traditional native art and other intellectual properties, food products grown or harvested within Indian Country (including treaty protected rights off-reservation in usual and accustomed areas) such as salmon and other fishery products, agriculture products (processed and unprocessed) such as wild rice, various corn species, and livestock and manufactured products (including unfinished products originating outside of Indian Country where a value-added component is added by the tribal enterprise), would be protected under this Act as intertribal trade and commerce.

Trade protection should also be extended under US law to trade and commerce between US tribal nations and indigenous nations, particularly those nations that enjoy treaty rights comparable to US tribes and who exercise self-governing authorities within traditional territories. Many US tribes have been approached in recent years by 1st Nations of Canada, tribal communities in Mexico and other Central American Countries and by Maori tribes of New Zealand. These tribal peoples possess significant resources and produce good that may be considered very attractive in markets served by US tribes. An international indigenous nation treaty proposal has recently been developed by the National Congress of American Indians Special Committee on Indigenous Nation Relationships that calls for indigenous nation-to-nation trade agreements as the basis for development of an international indigenous nation free trade zone. Thus, it is proposed that US tribes consider including international trade between indigenous nations within the scope of this proposal.

If this act were passed much needed jobs on even remote reservations could be created. Tribal casinos would be able to purchase made-in-Indian Country products without tax liabilities or regulatory constraints from non-tribal jurisdictions. A tribe could choose to charge a Tribal sales tax or not. Once purchased, tribes should be able to keep such products for their own use or sell in the open market for a competitive advantage.

Sponsors: Ernie Stensgar, Coeur d'Alene Tribe, Bob Whitener, Squaxin Island Tribe, Keller George, NY Oneida Nation and Alan Parker, Chippewa Cree Tribe. The sponsors request that this proposal be discussed at regional and national tribal meetings as soon as possible with the goal that tribal support could lead to requests from across Indian Country for introduction as a bill in the 110th Congress and at the White House Indian Economic Development Conference in May of this year. It is understood that proposals like this take time to be considered, to be refined and improved and for support to grow.